

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**February 9-13, 1998**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
2-10	EX EX	74/602,615 74/602,616	J. Kinderman & Sons, Inc.	Cissel Quinn Hairston*	whether the matter sought to be registered (consisting of product configuration s combined with various design elements) function as inherently distinctive trademarks for applicant's goods or, rather, function merely as product ornamentatio n	Refusal Affirmed (in both cases)		two different package configurations for applicant's goods: (1) a red, rectangular container traversed by a gold band, with a green-colored box in the upper left front corner of the container and eight-point star designs displayed upon the container and (2) a green, rectangular container traversed by a gold band, with a red-colored box in the upper left front corner of the container and eight-point star designs displayed upon the container [both container configurations claimed as trademarks for Christmas decorations, namely, electric lights for trees]		First	Yes
2-11	EX	74/557,722	Standard Register Co.	Sams Hanak Walters*	2(e)(1)	Refusal Reversed		"ISG TALK FREE" [telephone calling cards]		Fisher	No
2-12	OPP	94,948	Trek Bicycle, Corp. v. Alyx Fier	Cissel Hanak* Hohein	2(d)	Opposition Sustained	"TREK" [bicycles and bicycle frames; travel bags and all purpose athletic bags]; "TREKNOLOGY" [promotional use in connection with sales of bicycles and related products]	"TREKNOLOGY" (and design) [travel bags and all purpose athletic bags]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to

Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration  
(2) \*=Opinion Writer; (D)=Dissenting Panel Member

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
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2-12	OPP (MD)	98,819	Atlanta-Fulton County Zoo, Inc. v. David J. DePalma and Charlotte Wright DePalma	Sams Hairston Walters [opinion "By the Board"]	whether opposer can avoid involuntary dismissal under Rule 2.132(a)— i.e., whether opposer has made a showing of excusable neglect that would permit reopening of its time to submit trial evidence	Opposition Dismissed [motion to dismiss under 2.132(a) granted]					Yes

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